



(BILLING CODE: 3510-DS-P)

DEPARTMENT OF COMMERCE

International Trade Administration

[A-469-814]

Chlorinated Isocyanurates from Spain: Preliminary Results of Antidumping Duty Administrative Review; 2011-2012

AGENCY: Import Administration, International Trade Administration, U.S. Department of Commerce

SUMMARY: In response to a request by a Ercros S.A. (Ercros),<sup>1</sup> the Department of Commerce (the Department) is conducting an administrative review of the antidumping duty order on chlorinated isocyanurates (chlorinated isos) from Spain.<sup>2</sup> The period of review is June 1, 2011, to May 31, 2012. We preliminarily determine that Ercros did not make sales below normal value (NV). The preliminary results are listed below in the section titled “Preliminary Results of Review.”

EFFECTIVE DATE: [Insert date of publication in the Federal Register.]

FOR FURTHER INFORMATION CONTACT: Sean Carey or Dana Mermelstein at (202) 482-3964, or (202) 482-1391, respectively; AD/CVD Operations, Office 6, Import Administration, International Trade Administration, U.S. Department of Commerce, 14th Street and Constitution Avenue, NW, Washington, DC 20230.

SUPPLEMENTARY INFORMATION:

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<sup>1</sup> Ercros formerly exported the subject merchandise through its 100%-owned subsidiary Aragonesas Industrias y Energia S.A. (Aragonesas). In 2010, Aragonesas was merged with Ercros.

<sup>2</sup> See Initiation of Antidumping and Countervailing Duty Administrative Reviews and Requests for Revocation in Part, 77 FR 45338 (July 31, 2012).

## Scope of the Order

The merchandise subject to the order is chlorinated isocyanurates. Chlorinated isocyanurates are derivatives of cyanuric acid, described as chlorinated s-triazine triones. There are three primary chemical compositions of chlorinated isocyanurates: (1) trichloroisocyanuric acid ( $\text{Cl}_3(\text{NCO})_3$ ), (2) sodium dichloroisocyanurate (dihydrate) ( $\text{NaCl}_2(\text{NCO})_3 \cdot 2\text{H}_2\text{O}$ ), and (3) sodium dichloroisocyanurate (anhydrous) ( $\text{NaCl}_2(\text{NCO})_3$ ). Chlorinated isocyanurates are available in powder, granular, and tableted forms. The order covers all chlorinated isocyanurates. Chlorinated isocyanurates are currently classifiable under subheadings 2933.69.6015, 2933.69.6021, and 2933.69.6050 of the Harmonized Tariff Schedule of the United States (HTSUS). A full description of the scope of the order is contained in the memorandum from Christian Marsh, Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations, to Paul Piquado, Assistant Secretary for Import Administration, “Decision Memorandum for Preliminary Results of Antidumping Duty Administrative Review: Chlorinated Isocyanurates from Spain; 2011-2012” (Preliminary Decision Memorandum), which is issued concurrent with and hereby adopted by this notice.<sup>3</sup>

## Methodology

The Department has conducted this review in accordance with section 751(a)(2) of the Tariff Act of 1930, as amended (the Act). Export price is calculated in accordance with section 772 of the Act. NV is calculated in accordance with section 773 of the Act. To determine the appropriate comparison method, the Department applied a “differential pricing” analysis and has

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<sup>3</sup> The Preliminary Decision Memorandum is a public document and is on file electronically via Import Administration’s Antidumping and Countervailing Duty Centralized Electronic Service System (IA ACCESS). Access to IA ACCESS is available to registered users at <http://iaaccess.trade.gov> and is available to all parties in the Central Records Unit, room 7046 of the main Department of Commerce building. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly on the Internet at <http://www.trade.gov/ia/>. The signed Preliminary Decision Memorandum and the electronic versions of the Preliminary Decision Memorandum are identical in content.

preliminarily determined to use the average-to-average method in making comparisons of export price and NV for Ercros. For a full description of the methodology underlying our conclusions, see the Preliminary Decision Memorandum.

#### Preliminary Determination of Successor-In-Interest

On August 27, 2012, and March 22, 2013, the Department issued its antidumping duty questionnaire and supplemental questionnaire to Ercros, requesting copies of agreements and other documents associated with the merger and any related changes in the corporate structure of Aragonesas when it was merged into Ercros by absorption on May 25, 2010. We found the information contained in Ercros' responses sufficient to warrant a successor-in-interest analysis within the context of the instant administrative review. We have preliminarily found Ercros to be the successor-in-interest to Aragonesas. For the full successor-in-interest analysis and our conclusions, see the Preliminary Decision Memorandum.

#### Preliminary Results of Review

On June 14, 2013, the petitioners Clearon Corp. and Occidental Chemical Corporation filed comments arguing that Ercros' U.S. sales are not bona fide sales. Ercros submitted information regarding this issue on June 20, 2013. The Department had insufficient time to analyze these comments and the underlying data by the July 2, 2013 deadline for issuing the preliminary results. Therefore, in accordance with 19 CFR 351.309(c)(2), parties must present all arguments as it relates to this issue in their case briefs, if they deem them to be relevant to the Secretary's final determination.

As a result of this review, we preliminarily determine that the weighted-average dumping margins for the period June 1, 2011, through May 31, 2012, are as follows:

<b>Manufacturer/Exporter</b>	<b>Weighted-Average Dumping Margin (percent)</b>
Ercros	0.00

Disclosure and Public Comment

The Department will disclose to interested parties the calculations performed in connection with these preliminary results within five days of the date of publication of this notice.<sup>4</sup> Pursuant to 19 CFR 351.309(c), interested parties may submit cases briefs no later than 30 days after the date of publication of this notice.<sup>5</sup> Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.<sup>6</sup> Parties who submit case briefs or rebuttal briefs in this proceeding are encouraged to submit with each argument: (1) a statement of the issue; (2) a brief summary of the argument; and (3) a table of authorities.<sup>7</sup> Case and rebuttal briefs should be filed using IA ACCESS.<sup>8</sup>

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, or to participate if one is requested, must submit a written request to the Assistant Secretary for Import Administration, filed electronically via IA ACCESS. The Department's electronic records system, IA ACCESS, must successfully receive an electronically-filed document in its entirety by 5 p.m. Eastern Daylight Time within 30 days after the date of publication of this notice.<sup>9</sup> Requests should contain: (1) the party's name, address, and telephone number; (2) the number

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<sup>4</sup> See 19 CFR 351.224(b).

<sup>5</sup> See 19 CFR 351.309(c)(ii).

<sup>6</sup> See 19 CFR 351.309(d).

<sup>7</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>8</sup> See 19 CFR 351.303.

<sup>9</sup> See 19 CFR 351.310(c).

of participants; and (3) a list of issues to be discussed. Issues raised in the hearing will be limited to those raised in the respective case briefs. The Department will issue the final results of this administrative review, including the results of its analysis of the issues raised in any written briefs, not later than 120 days after the date of publication of this notice, pursuant to section 751(a)(3)(A) of the Act.

#### Assessment Rates

Upon completion of the administrative review, the Department shall determine, and CBP shall assess, antidumping duties on all appropriate entries in accordance with 19 CFR 351.212(b)(1). We intend to issue instructions to CBP 15 days after the date of publication of the final results of this review.

If Ercros' weighted-average dumping margin is not zero or de minimis (i.e., less than 0.5 percent) in the final results of this review, we will calculate importer-specific assessment rates on the basis of the ratio of the total amount of dumping calculated for the importer's examined sales and the total entered value of the sales in accordance with 19 CFR 351.212(b)(1). Where either a respondent's weighted-average dumping margin is zero or de minimis, or an importer-specific assessment rate is zero or de minimis, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

The Department clarified its "automatic assessment" regulation on May 6, 2003.<sup>10</sup> This clarification will apply to entries of subject merchandise during the period of review produced by Ercros for which these companies did not know that the merchandise was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

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<sup>10</sup> For a full discussion of this clarification, see Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties, 68 FR 23954 (May 6, 2003).

### Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for Ercros will be equal to the weighted-average dumping margin established in the final results of this review, except if the rate is de minimis within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for other manufacturers and exporters covered in a prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which that manufacturer or exporter participated; (3) if the exporter is not a firm covered in this review, a prior review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the rate established for the most recently completed segment of this proceeding for the manufacturer of subject merchandise; and (4) the cash deposit rate for all other manufacturers or exporters will continue to be 24.83 percent, the all-others rate established in the LTFV investigation.<sup>11</sup> These deposit requirements, when imposed, shall remain in effect until further notice.

### Notification

This notice also serves as a preliminary reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in the Secretary's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of double antidumping duties.

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<sup>11</sup> See Chlorinated Isocyanurates From Spain: Notice of Final Determination of Sales at Less Than Fair Value, 70 FR 24506 (May 10, 2005).

We are issuing and publishing these results in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

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Paul Piquado  
Assistant Secretary  
for Import Administration

\_\_\_\_ July 2, 2013 \_\_\_\_  
(Date)

## Appendix

### List of Topics Discussed in the Preliminary Decision Memorandum

1. Scope of the Order
4. Successor-In-Interest
5. Comparisons to Normal Value
  - A. Determination of Comparison Method
  - B. Results of the Differential Pricing Analysis
6. Product Comparisons
7. Date of Sale
8. Export Price
9. Normal Value
  - A. Home Market Viability as Comparison Market
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  - C. Cost of Production Analysis
    1. Calculation of Cost of Production
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[FR Doc. 2013-16579 Filed 07/09/2013 at 8:45 am; Publication Date: 07/10/2013]